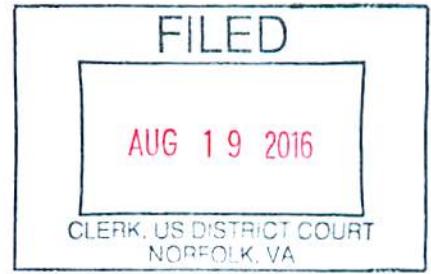


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



RAYMOND J. KEY, JR.,

Plaintiff,

v.

ACTION NO. 2:16cv130

HONORABLE JUDGE LESLIE L. LILLEY,

Defendant.

ORDER

This matter is before the Court on (i) Plaintiff's motion to reconsider this Court's denial of his application to appeal *in forma pauperis* ("Motion for Reconsideration"), and (ii) Plaintiff's "corrected" application to appeal *in forma pauperis* ("Corrected Application"). Mot. for Reconsideration, ECF No. 22; Corrected Appl., ECF No. 23. For the reasons set forth below, Plaintiff's Motion for Reconsideration, ECF No. 22, and Plaintiff's Corrected Application, ECF No. 23, are **DISMISSED**.

Pursuant to Rule 24 of the Federal Rules of Appellate Procedure, when a party wishes to appeal *in forma pauperis*, the party must first file a motion in the district court. Fed. R. App. P. 24(a)(1). If the district court denies the party's request, the party may file a motion for the same relief with the appropriate court of appeals. Fed. R. App. P. 24(a)(5).

Here, after Plaintiff's lawsuit was dismissed, Plaintiff filed an application in this Court to appeal *in forma pauperis*. Appl. to Appeal *in Forma Pauperis*, ECF No. 15. On August 5, 2016, this Court denied Plaintiff's request and notified the parties, as well as the United States Court of Appeals for the Fourth Circuit, of its decision. Order, ECF No. 21. On August 8, 2016, the Fourth Circuit issued an Order that acknowledged Plaintiff's request to appeal *in forma pauperis*,

but indicated that its decision on the issue would be deferred. Order, *Raymond J. Key, Jr. v. Honorable Judge Leslie L. Lille*y, No. 16-1863 (4th Cir. Aug. 8, 2016), ECF No. 11.

On August 11, 2016, Plaintiff filed a Motion for Reconsideration and a Corrected Application with this Court. Mot. for Reconsideration, ECF No. 22, Corrected Appl., ECF No. 23. In his Motion for Reconsideration, Plaintiff asserts that the financial affidavit submitted in his initial application to appeal *in forma pauperis* contained unintended errors. Mot. for Reconsideration at 1, ECF No. 22. Plaintiff asks this Court to reconsider its prior Order and authorize Plaintiff to proceed *in forma pauperis* on appeal based on his Corrected Application. *Id.* at 1-2. Because Plaintiff's request to appeal *in forma pauperis* is presently before the Fourth Circuit, Plaintiff's Motion for Reconsideration, ECF No. 22, and Corrected Application , ECF No. 23, are **DISMISSED**.

The Clerk is **DIRECTED** to send a copy of this Order to Plaintiff, counsel for Defendant, and the United States Court of Appeals for the Fourth Circuit. Additionally, the Clerk is **DIRECTED** to transmit a copy of Plaintiff's Motion for Reconsideration, ECF No. 22, and Plaintiff's Corrected Application, ECF No. 23, to the United States Court of Appeals for the Fourth Circuit so that the submissions may be considered by the Fourth Circuit in connection with Plaintiff's pending request to proceed *in forma pauperis* on appeal.

IT IS SO ORDERED.



Arenda L. Wright Allen
United States District Judge

Norfolk, Virginia

Aug 19, 2016